

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DAVID H. KNIGHT,)	
Plaintiff)	
)	CIVIL ACTION
v.)	No. 03-410 Erie
)	
BUILDING MATERIALS)	
CORPORATION OF AMERICA d/b/a)	
GAF MATERIALS CORPORATION)	
and/or BUILDING MATERIALS)	
MANUFACTURING CORPORATION)	
and JOE RINDERLE,)	
Defendants)	

MOTION FOR ENLARGEMENT OF TIME
WITHIN WHICH TO FILE RESPONSE TO
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
NUNC PRO TUNC

NOW COMES the plaintiff, David H. Knight, by his attorneys, Law Offices of Timothy D. McNair, and respectfully moves this Honorable Court, *nunc pro tunc*, for an Order enlarging time within which to respond to defendants' Motion for Summary Judgment.

1. By its scheduling Order dated May 11, 2005, plaintiff was to have filed a response to defendants' Motion for Summary Judgment twenty (20) days after the filing of same.

2. Defendants filed a Motion for Summary Judgment on July 25, 2005. It was received by plaintiff on July 26, 2005.

3. The Motion for Summary Judgment is factually intensive and required extensive consultation with between plaintiff and counsel. Due to the plaintiff's work schedule, he is unavailable to consult during regular business hours. Counsel has made significant effort to accommodate the plaintiff's work schedule, but has not yet been in a position to finalize a response to the defendants' Motion for Summary Judgment.

4. Plaintiff believes, and therefore avers that a full and complete response to the defendants' Motion for Summary Judgment, together with a supporting Brief, can be filed within the next ten (10) days, or by August 26, 2005.

5. Counsel for defendants does not consent to the filing of this Motion.

WHEREFORE, plaintiff respectfully moves this Honorable Court for enlargement of time, *nunc pro tunc*, to respond to defendants' Motion for Summary Judgment.

Respectfully submitted,

LAW OFFICES OF TIMOTHY D. McNAIR

By: 

Timothy D. McNair, Esquire
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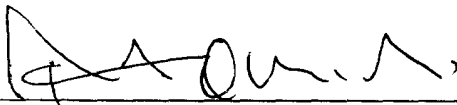
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 18th day of August, 2005, a copy of the foregoing Motion for Enlargement of Time Within White to File Response to Defendants' Motion for Summary Judgment *Nunc Pro Tunc* was served via U.S. first class mail, postage prepaid, upon the following:

Lisa Smith Presta, Esquire
MacDonald Illig Jones & Britton LLP
100 State Street, Suite 700
Erie, PA 16507.



Timothy D. McNair, Esquire